

# 2012-UNAT-228, Kozlov and Romadanov

## UNAT Held or UNDT Pronouncements

UNAT considered an appeal by the Secretary-General. The Secretary-General asserted that UNDT erred in determining the amount of compensation to be awarded to Mr Kozlov and Mr Romadanov for the irregularity in the proceedings. Relying on Kasyanov (2010-UNAT-076) and Wu (2010-UNAT-042), UNAT noted that it previously awarded compensation in the amount of two months' net base salary where the decision not to appoint the applicants was procedurally flawed. UNAT found no reason to depart from this jurisprudence as no pecuniary loss was shown on part of Mr Kozlov and Mr Romadanov. UNAT also noted that Mr Romadanov should not have been granted moral damages, as the note from his psychotherapist was not sufficient evidence of moral damages and no medical bills or other evidence was produced. UNAT granted the appeal in its entirety; UNAT reduced the award of non-pecuniary damages to two months' net base salary for Mr Kozlov and Mr Romadanov and set aside the award to Mr Romadanov of three months' net base salary for moral injury.

## Decision Contested or Judgment/Order Appealed

Mr Kozlov and Mr Romadanov contested their non-selection for respective posts. UNDT found that there were procedural irregularities in the selection processes and that their candidacies had not been fully and fairly considered. UNDT awarded both Mr Kozlov and Mr. Romadanov one year's net base salary as non-pecuniary compensation and also awarded Mr Romadanov three months' net base salary for moral damages.

## Legal Principle(s)

Not every violation will necessarily lead to an award of compensation under Article 10(5)(b) of the UNDT Statute when no damages are shown. Moral damages may not be awarded without specific evidence supporting the award.

## Outcome

Appeal granted

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Kozlov and Romadanov

## Entity

DGACM

## Case Number(s)

2011-243

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

29 Jun 2012

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Compensation

Non-pecuniary (moral) damages

Pecuniary (material) damages

Evidence

Compensation

Staff selection (non-selection/non-promotion)

Full and fair consideration

## Applicable Law

UNDT Statute

- Article 10.5

## Related Judgments and Orders

UNDT/2011/103

2010-UNAT-076

2010-UNAT-042

2011-UNAT-109

2011-UNAT-117

2010-UNAT-095